

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** Chairman Joe Balyeat, on March 20, 2009 at 9 A.M.,  
in Room 422 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. Jim Keane (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Gregory D. Barkus (R)  
Sen. Jim Peterson (R)  
Sen. Carolyn Squires (D)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Linda Keim, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 404, HB 451, HB 544, 3/13/2009

Executive Action: HB 412, HB 378, HB 567 (partial),  
HB 390 (partial)

**EXECUTIVE ACTION ON HB 412**

00:01:52 **Motion:** Sen. Steinbeisser moved that **HB 412 BE CONCURRED IN.**

00:02:15 **Motion:** Sen. Keane moved **TO AMEND HB 412.**  
**EXHIBIT** (bus62a01)

**Discussion:**

00:02:49 Sen. Keane

00:03:16 Pat Murdo

00:03:43 **Substitute Motion/Vote:** Chairman Balyeat made a substitute motion that **HB 412 BE AMENDED** by segregating the amendments (Exhibit 1) and voting on #1, #4, #5. Motion carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Barkus, Sen. Squires, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:04:26 **Motion:** Chairman Balyeat moved that **HB 412 AS AMENDED BE CONCURRED IN.**

00:04:46 Pat Murdo

00:04:50 **Substitute Motion:** Sen. Keane made a substitute motion that **HB 412 AS AMENDED BE FURTHER AMENDED** by segregating the amendments (Exhibit 1) and voting on #2 and #3.

**Discussion:**

00:05:16 Sen. Keane

00:05:48 Chairman Balyeat

00:05:52 Sen. Keane

00:05:53 Sen. Barkus arrived.

00:05:56 Sen. Jackson

00:06:27 Sen. Brown

00:07:10 Chairman Balyeat

00:07:57 Pat Murdo

00:08:31 Chairman Balyeat

00:08:53 Sen. Brown

00:09:05 Sen. Keane

00:09:50 Chairman Balyeat

00:10:00 **Vote:** Motion on amendment failed 5-6 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted aye. Sen. Squires, Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:12:09 **Vote:** Motion on HB 412 AS AMENDED carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Squires, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy. Sen. Barkus will carry the bill on the Senate floor.

**EXECUTIVE ACTION ON HB 378**

00:13:00 Chairman Balyeat

00:13:20 **Motion:** Sen. Tropila moved that **HB 378 BE CONCURRED IN.**

**Discussion:**

00:13:39 Sen. Jackson

00:14:05 Chairman Balyeat

00:14:51 **Vote:** Motion carried 10-1 by voice vote. Sen. Keane voted no. Sen. Squires, Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy. Sen. Wanzonried will carry the bill on the Senate floor.

**EXECUTIVE ACTION ON HB 567**

00:16:08 **Motion:** Sen. Barkus moved that **HB 567 BE CONCURRED IN.**

00:16:32 **Motion:** Sen. Brown moved **TO AMEND HB 567.**

**EXHIBIT**(bus62a02)

**Discussion:**

00:17:00 Chairman Balyeat

00:17:31 Pat Murdo

00:17:37 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:17:59 **Motion:** Sen. Keane moved that **HB 567 AS AMENDED BE CONCURRED IN.**

**Discussion:**

00:18:33 Sen Tropila  
00:18:36 Sen. Keane  
00:18:58 Sen. Barkus  
00:19:42 Sen. Jackson  
00:21:28 Sen. Tropila  
00:21:42 Chairman Balyeat  
00:21:50 Pat Murdo  
00:22:10 Chairman Balyeat  
00:24:59 Sen. Keane  
00:25:50 Sen. Barkus  
00:26:45 Chairman Balyeat  
00:27:13 Sen. Brown  
00:28:32 Sen. Barkus  
00:29:49 Chairman Balyeat  
00:29:53 Pat Murdo  
00:31:24 Sen. Barkus  
00:32:01 Sen. Brown  
00:32:37 Sen. Steinbeisser  
00:32:47 Pat Murdo  
00:33:22 Chairman Balyeat  
00:36:12 Sen. Jackson  
00:36:34 Chairman Balyeat  
00:36:41 Sen. Jackson  
00:37:24 Pat Murdo  
00:37:55 Sen. Brown  
00:38:04 Chairman Balyeat  
  
00:38:25 Sen. Keane withdrew his motion on HB 567 AS AMENDED.

Note: The Committee wants to get more information  
before proceeding with HB 567.

00:38:54 Chairman Balyeat

**Discussion on HB 390:**

00:39:47 Chairman Balyeat  
00:41:46 Pat Murdo

**EXHIBIT (bus62a03)**

00:42:19 Chairman Balyeat  
00:42:43 Sen. Brown  
00:43:03 Pat Murdo  
00:43:51 Chairman Balyeat  
00:44:55 Pat Murdo  
00:45:01 Sen. Tropila  
00:45:13 Pat Murdo  
00:45:31 Sen. Keane

00:46:00 Pat Murdo  
00:48:06 Chairman Balyeat  
00:48:15 Sen. Keane  
00:48:37 Chairman Balyeat

00:49:12 Recess  
00:58:23 Resume

Note: Sen. Jackson assumed the position of Chair.

**HEARING ON HB 544**

**Opening Statement by Sponsor:**

00:59:28 Rep. Chas Vincent (R), HD 2, opened the hearing on HB 544, Require disability insurers to refund prepaid premiums without fees or penalties.

**EXHIBIT (bus62a04)**

**Proponents' Testimony:**

01:01:21 Susan Witte, Allegiance Life and Health Insurance; also speaking for Tanya Ask, New West Insurance, and Dennis Lopach, America's Health Insurance Plans

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:03:07 Rep. Vincent

**HEARING ON HB 451**

**Opening Statement by Sponsor:**

01:04:20 Rep. Bob Ebinger (D), HD 62, opened the hearing on HB 451, Require disclosure and warranties by builder or developer of new residences.

**EXHIBIT (bus62a05)**

**Proponents' Testimony:**

01:07:02 Rick Hill, Montana Building Industry Association  
01:10:56 Byron Roberts, retired Helena home builder, Montana  
Building Industry Association (MBIA)  
01:14:02 Jack Walsh, Helena Building Industry Association  
01:15:52 Glen Oppel, Montana Association of Realtors

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:16:35 Sen. Brown  
01:18:17 Rick Hill  
01:18:37 Sen. Tropila  
01:18:41 Byron Roberts  
01:18:53 Vice Chairman Jackson  
01:18:59 Rep. Ebinger  
01:19:13 Vice Chairman Jackson  
01:20:54 Rick Hill  
01:21:49 Sen. Keane  
01:21:54 Rick Hill  
01:22:30 Vice Chairman Jackson  
01:23:11 Byron Roberts

**Closing by Sponsor:**

01:23:46 Rep. Ebinger

**HEARING ON HB 404**

**Opening Statement by Sponsor:**

01:28:34 Rep. Michele Reinhart (D), HD 97, opened the hearing on  
HB 404, Uniform standards for certificates of survey  
and final subdivision plats.

**Proponents' Testimony:**

01:30:09 Myra Shults, land use attorney consultant, Montana  
Association of Counties  
01:31:25 Sen. Dan McGee, SD 29  
01:32:09 Joe Roberts, Montana Association of Registered Land  
Surveyors (MARLS) and former Senator  
01:32:30 Tim Davis, Montana Smart Growth Coalition

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:33:06 Vice Chairman Jackson

01:33:39 Joe Roberts

01:34:11 Sen. Tropila

**Closing by Sponsor:**

01:34:47 Rep. Reinhart

01:35:24 Vice Chairman Jackson

**ADJOURNMENT**

Adjournment: 10:38 A.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT ([bus62aad.pdf](#))**